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Superintendent: Carl Malone

Muncie Park & Recreation Board Meeting

Thursday, December 30, 2021
City Hall Auditorium

- (1) Call to Order
- (2) Pledge of Allegiance
- (3) Roll Call
- (4) Approval of the minutes from (October 2021) Park Board Meeting.
- (5) Prairie Creek – Ashley Wright (Reallocation of Funds)
- (6) Event approval for Catfish Tournament
- (7) Release of excess Fence to Senior Center
- (8) Approval of Parks Fund establishment
- (9) Introduction of Incoming Board Members
- (10) Other Business – This is a call to the Audience that have items that need to be Approved by the Parks and Recreation Board
- (11) Action Items
- (12) Public Input – (3) minutes limit – Please state your name and address

Remember to please call the Park Office or the Park Board President (Brad Marshall) if you have an item that needs to be placed on the agenda.

*** Next Park Board Meeting – Tuesday, January 18, 2022 (6:00 p.m.) - City Hall Auditorium**

Reappropriation

To Electric 203-29-435011 – From Cash 203-29-000111

\$8500

Electric costs were a little higher than expected with the new building. Our updated lease with our tenant will have the electric being paid by the tenant. We will not need to adjust the 2022 budget amount.

To Repair and Maintenance 203-29-422133 from Cash 203-29-000111

\$8,500

Last minute repairs were needed to some vehicles and to the property. We needed some gas plumbing repairs in the new office. We have moved in the office and all the initial repairs should be finished.

To Mowing and Capital Equipment/Improvement 203-29-444081 from Cash 203-29-000111

\$31,325

Examples this year, money was spent renovating the new office, installed campground gates, repairing the accessible dock, buying 2 mowers, purchasing a new furnace for the new office. With the rising cost of services some costs of repairs came in higher than expected.

As of Monday December 13, 2021, we have only spent \$726,675 and with a revenue of \$792,716. This leaves Prairie Creek with approx. \$66,000 in income not spent. This money will go back into our savings account as profit.

**The Community Foundation of Muncie and Delaware
County, Inc.**

AGENCY ACORN FUND FORM

Muncie Parks and Recreation Department plans to donate \$10,000 over the next five years to fully endow the Muncie Parks and Recreation Endowment Fund at The Community Foundation of Muncie and Delaware County, Inc. Muncie Parks and Recreation Department understands that, as the Fund grows to be the \$10,000 level, all interest, dividends, and market gains will be reinvested to the Fund. The Community Foundation will not charge an administrative fee until such time the total gifts reach the \$10,000 level. At that time, the Fund will be assessed the appropriate fee for the Fund based upon the Foundation's current Administrative Fee Structure. Any donations to the Fund from any other person or entity will be credited towards the Muncie Parks and Recreation Fund.

The Community Foundation will recognize the Muncie Parks and Recreation Fund in its Annual Report and in relevant Foundation information.

Muncie Parks and Recreation Department understands that, if for some reason the pledge is not fulfilled (gifts totaling \$10,000 in five [5] years), we will be given the option of directing the assets either to another one of the Foundation's endowed funds or to the Unrestricted Fund of the Community Foundation and the legal agreement establishing the Muncie Parks and Recreation Fund will be null and void.

This form is made a part of the legal agreement establishing the Muncie Parks and Recreation Endowment Fund. Dated this ____ day of January 2022.

Brad Marshall, representing
Muncie Parks and Recreation
Department

Date

Kelly K. Shrock, President
The Community Foundation of Muncie
& Delaware County, Inc.

Date

**DESIGNATED ENDOWMENT FUND AGREEMENT
BETWEEN
THE COMMUNITY FOUNDATION
OF MUNCIE AND DELAWARE COUNTY, INC.,
AND
MUNCIE PARKS AND RECREATION DEPARTMENT ("DONORS")**

THIS AGREEMENT (the "Agreement") is made and entered into as of January XX, 2022, by and between The Community Foundation of Muncie and Delaware County, Inc. (the "Community Foundation"), and Muncie Parks and Recreation Department ("Donors").

Recitals

WHEREAS, Donors desire to establish a designated endowment fund in the Community Foundation; and

WHEREAS, the Community Foundation is an Indiana nonprofit corporation exempt from federal income taxes under Internal Revenue Code ("Code") section 501(c)(3), a public charity described in Code section 170(b)(1)(A)(vi), and accordingly an appropriate institution within which to establish such a designated endowment fund; and

WHEREAS, the Community Foundation is willing and able to hold and administer such a designated endowment fund, subject to the terms and conditions hereof.

General Provisions

NOW THEREFORE, the parties agree as follows:

1. GIFT AND FUND DESIGNATION. Donors hereby transfer irrevocably to the Community Foundation the property (cash, publicly traded securities, or other assets) described in the attached Exhibit A to establish a designated endowment fund to be known as the **Muncie Parks and Recreation Endowment Fund** (the "Fund"). Subject to the right of the Community Foundation to reject any particular gift, from time to time the Community Foundation may accept additional irrevocable gifts of property from Donors or from any other source to be added to the Fund, all subject to the provisions hereof. All gifts, bequests, and devises to this Fund shall be irrevocable once accepted by the Community Foundation.

2. PURPOSE. The purpose of the Fund shall be to provide support to **Muncie Parks and Recreation for improvement of current and future parks in the city of Muncie** (a single tax-exempt nonprofit organization described in Code sections 501(c)(3) and either 509(a)(1), 509(a)(2), or 509(a)(3)) (the "Designated Agency"), as directed by the Board of Directors (the "Board") of the Community Foundation. Such support shall be used to further the charitable or other exempt purposes of the Designated Agency

within the meaning of Code section 170(c)(1) or 170(c)(2)(B) and shall be consistent with the mission and purposes of the Community Foundation.

3. DISTRIBUTIONS. The ordinary income, capital appreciation (realized and unrealized), and principal (both historic dollar value and any principal contributions, accumulations, additions, or reinvestments) allocable to the Fund, net of the fees and expenses set forth in this Agreement, may be committed, granted, or expended pursuant to the distribution (or spending) policy of the Community Foundation, as such policy may be amended from time to time by the Community Foundation, solely for purposes described in this Agreement. The Community Foundation's distribution (or spending) policy, as applied to endowments such as the Fund, shall be designed to take into account total return concepts of investment and spending, with the goal of preserving the real spending power of endowments over time while balancing the need for consistent spending to support the charitable and similar exempt purposes of such endowments.

If any gift to the Community Foundation for the Fund is accepted subject to conditions or restrictions as to the use of the gift or income therefrom, such conditions or restrictions will be honored, subject, however, to the authority of the Board to vary the terms of any gift if continued adherence to any condition or restriction is in the judgment of the Board unnecessary, incapable of fulfillment, or inconsistent with the charitable or other exempt purposes of the Community Foundation or the needs of the community served by the Community Foundation. No distribution shall be made from the Fund that may in the judgment of the Community Foundation jeopardize or be inconsistent with the Community Foundation's Code section 501(c)(3) status or result in the imposition of any excise tax, penalty, or other tax, fine, or assessment under the Code.

4. ADMINISTRATIVE PROVISIONS. Notwithstanding anything herein to the contrary, the Community Foundation shall hold and administer the Fund, and all contributions and assets allocable to the Fund, subject to the provisions of applicable law and the Community Foundation's Articles of Incorporation and Bylaws, as amended from time to time. The Board shall oversee distributions from the Fund and shall have all powers of modification and removal specified in United States Treasury Regulation section 1.170A-9(e)(11)(v)(B).

The Board agrees to provide Donors a copy of any annual examination of the finances of the Community Foundation as reported by independent certified public accountants.

This Agreement and all related proceedings shall be governed by and interpreted under the laws of the State of Indiana. Any action with respect to this Agreement shall be brought in or venued to a court of competent jurisdiction in Indiana.

5. CONDITIONS FOR ACCEPTANCE OF GIFTS. Donors agree and acknowledge that the establishment of the Fund is made in recognition of, and subject at all times to, applicable law and the terms and conditions of the Articles of Incorporation

and Bylaws of the Community Foundation, as amended from time to time, including, but not by way of limitation, provisions for:

- a. Presumption of Donors' intent;
- b. Variance from Donors' direction; and
- c. Amendments.

6. CONTINUITY OF THE FUND. The Fund shall continue so long as assets are available in the Fund and the purposes of the Fund can be served by its continuation. If the Fund is terminated, the Community Foundation shall use any remaining assets in the Fund exclusively for charitable or other exempt purposes that:

- a. are within the scope of the charitable and other exempt purposes of the Community Foundation; and
- b. most nearly approximate, in the good faith opinion of the Board, the original purpose of the Fund.

7. NOT A SEPARATE TRUST. The Fund shall be a component part of the Community Foundation. All money and property in the Fund shall be held as general assets of the Community Foundation and not segregated as trust property of a separate trust.

8. ACCOUNTING. The receipts and disbursements of the Fund shall be accounted for separately and apart from those of other gifts to the Community Foundation.

9. INVESTMENT OF FUND ASSETS. The Community Foundation shall have all powers necessary, or in its judgment desirable, to carry out the purposes of the Fund including, but not limited to, the power to retain, invest, and reinvest the assets of the Fund and the power to commingle the assets of the Fund for investment purposes with those of other funds or the Community Foundation's general assets.

10. COSTS OF THE FUND. It is understood and agreed that the Fund shall share a fair portion of the total investment and administrative costs and expenses of the Community Foundation. Those costs and expenses charged against the Fund shall be determined in accordance with the then current fee schedule identified by the Community Foundation as applicable to funds of this type, as such schedule may be amended by the Community Foundation from time to time. Any costs and expenses incurred by the Community Foundation in accepting, transferring, or managing property donated to the Community Foundation for the Fund, including without limitation the Community Foundation's costs and expenses (including reasonable attorneys fees) of any claim or proceeding with respect to the Fund in which the Community Foundation is prevailing party, also shall be paid from the Fund.

Execution

IN WITNESS WHEREOF, Donors and the Community Foundation, by a duly authorized officer, have executed this Agreement as of the day and year first above written.

DONORS:

Brad Marshall, Board President, Muncie Parks and Recreation

Carl Malone, Superintendent, Muncie Parks and Recreation

THE COMMUNITY FOUNDATION OF MUNCIE AND DELAWARE COUNTY, INC.:

By: _____
Kelly K. Shrock, President

EXHIBIT A

LIST OF INITIAL DONATIONS TO FUND

Cash: \$5,000

Muncie Park & Recreation Board Meeting

December 30, 2021 5 p.m.

City Hall Auditorium

- 1. CALL TO ORDER-** Brad Marshall called meeting to order at 6:00p.m.
- 2. PLEDGE OF ALLEGIANCE** – All stood for the Pledge
- 3. ROLL CALL-**Present were President Brad Marshall, Mark Ervin and Dr. Shannon Powers. Absent were Vice President Adrian Level (deceased) and Yolanda Carey.
- 4. APPROVAL OF OCTOBER PARKS BOARD MINUTES-** Vote taken by all Board members present. Motion carries. Approved by all members present.
- 5. PRAIRIE CREEK – REALLOCATION OF FUNDS – Ashley Wright**
 - We are requesting a reallocation of funds from the savings cash account. There were additional costs for the maintenance, improvements and having to buy new mowers. It is important to note we will still be depositing \$66,000 after these requested moves.
 - We spent more than expected on electricity but have renegotiated with our tenant so that will not be an issue in the new year.

Vote taken by all Board members present. Motion carries. Approved by all members present.

6. PRARIE CREEK EVENT APPROVAL –Ashley Wright

- Catfish Tournament. They want to hold it Memorial Day Weekend on Saturday from 8 – 8 (overnight). It will be held down by the launch by the Airplane Field. They would like it to benefit the Veterans of Delaware County. Last year there were about 200 people and around 40 boats. They expect to have 75 – 100 people. The organizer would like to discuss with the Visitors Bureau and the Mayor to have a possible Bike Ride and stuff like that to raise more money all in one big event. The only thing they requested were electric hookups.

Mr. Marshall inquired if they foresaw any conflicts or issues since that is a busy holiday weekend. Mrs. Wright stated it is a busy camping weekend but the water is still very cold at that time.

Vote taken by all Board members present. Motion carries. Approved by all members present.

7. RELEASE OF EXCESS FENCE TO SENIOR CENTER -George Foley, Programs Director

Lafferty Field is being redeveloped by the Cal Ripkin Foundation and they will be replacing the 6 foot fencing. It has been discussed with Deputy Mayor Ivy to reallocate some of the fencing to Westside Park for Burris and other AU teams. We are looking at moving 645 feet of the outside fencing and 780 feet of inside fencing to Westside Park, and donate what is left that is good to the Senior Center.

Dr. Powers inquired if it was chain link fence and Mr. Foley stated it is. Dr. Powers then inquired which Senior Center and Mr. Foley stated it is the one on 8th Street. Dr. Powers inquired about who is doing the labor and Mr. Foley was unsure at the moment who the contractor is.

Mr. Marshall inquired if we would have any commitment for the installation of the fencing or if we would just be donating the fencing. Mr. Foley stated we would just be donating the fencing.

Mr. Earvin interjected that the Senior Center is a not-for-profit organization.

Mr. Marshall inquired if the fencing wasn't donated what would be done with it. Mr. Foley stated the best thing would be to donate it to someone. Mr. Marshall inquired if it would just be trashed or scrapped if there was no one to give it to. Mr. Foley stated there would be no profit made on it.

Vote taken by all Board members present. Motion carries. Approved by all members present.

8. APPROVAL FOR PARK FOUNDATION- George Foley, Programs Director

- Create a fund through Muncie-Delaware County Community Foundation to receive donations from private individuals and corporate entities to fund the Parks Department and specific projects.
- The name decided is the Muncie Parks and Recreation Endowment Fund with the statement purpose being for the improvement of current and future parks in the city of Muncie.

- Mr. Marshall stated we needed to include that we are not only improving the parks themselves but also incorporate recreation to include programs and/or activities.
- Mr. Foley stated he and Superintendent Malone spoke with Carly about doing a donation campaign as soon as it is approved and she stated the Foundation would help with that. We would like to start the campaign as soon as possible to start beautifying our parks and doing some things the Mayor and Superintendent would like to see.
- Dr. Powers inquired who would spearhead the campaign and Mr. Foley stated it would most likely be himself and Dr. Powers and the Foundation will help with the language.
- Mayor Ridenour inquired if two funds were being set up. Mr. Marshall stated that would need to be decided. As we could set up an endowment and a pass-through which have different fee structures. The foundation has an acorn fund which will seed the endowment over 5 years.
- Mayor Ridenour announced he would provide the initial \$10,000 for the endowment immediately and will match up to \$25,000 for every dollar raised for the pass-through.
- Mr. Ervin stated the important thing for the Board to think through when looking at an endowment vs. a pass-through is what the strategic plans are and what the needs are. It would depend on the need and urgency for the parks. Having the pass-through would be beneficial and having both funds would probably be best.
- Mr. Marshall stated the best thing would be to put the \$10,000 in the endowment and then the potential \$50,000 in the pass-through.
- Dr. Powers inquired what the initial deposit for a pass-through and Mr. Marshall stated it is \$1.
- Mayor Ridenour likes the idea of citizens and organizations being able to commit to our Parks. As Carl knows we have a number of Parks and many of them have needs but he is pleased with the efforts of the Board and the Parks Department.
- Dr. Powers inquired if the Mayor had a time frame on the matching and Mayor Ridenour stated it is available and the urgency will be determined by the Board.
- Mr. Marshall stated he appreciated the generosity of the Mayor and all the work of George, Shannon and Carly on getting us here with the formation of the endowment.
- Mr. Marshall inquired if a vote could be taken on approving the endowment pending the change to add in recreation programs. Mr. Ervin stated it could be approved pending the change in Paragraph 2 to add the phrase "recreational programs" being approved by Community Foundation.

Vote taken by all Board members present. Motion carries. Approved by all members present contingent on the addition in the language to include "recreational programs".

- Mr. Marshall stated he would entertain a motion to move forward with a pass-through fund to be called Muncie Parks and Recreation Pass-through Fund with the same verbiage that was just reviewed in the endowment.

Vote taken by all Board members present. Motion carries. Approved by all members present contingent on the addition in the language to include "recreational programs".

9. ANNOUNCEMENT OF THE INCOMING BOARD MEMBERS

Mr. Marshall announced the two new Board Members that have been sworn in and will take office effective January 1, 2022.

James Lutton

Chandra Parks

10. OTHER BUSINESS – Dr. Shannon Powers

- Dr. Powers submitted a letter of intent to the Delaware County Community Foundation earlier this month for \$43,500 for Tuhey safety upgrades and they approved the proposal to go to the full application stage. She is looking forward to writing that on behalf of the Parks Department. The three improvements are \$15,000 to fix the 3 story slide, take care of the ground safety concerns with the splash pad and resurface the baby pool.
- She will also be writing a rapid grant to start a program for low resourced audiences for youth to get them certified as lifeguards. The grant will help cover the \$200 certification fee through The American Red Cross. The grant will be through the Ball Brother Foundation and will fund certification for adolescents that could work for the City of Muncie as lifeguards at Tuhey Pool this summer and also certification for Water Safety Instructors so they can teach in the Learn to Swim Program that is overseen by Cardinal Swim Club. She will work with the Muncie Community School Athletic Director and the Ice League to recruit students from the local high schools.
- Working on getting a full ADA assessment of all our parks which will address meeting one of the important issues in our 5 year plan. We will be working with the Indiana State group in Indianapolis to getting that done this year.
- Mr. Marshall inquired if Dr. Powers needed anything from the board at this time and she stated she may need a letter of support. Mr. Marshall inquired when the full application is due and Dr. Powers stated it was January 14, 2022, She stated

the Community Foundation is waiting for the Post Grant Report for the Cooley Park Project so she can't submit the Tuhey Grant until that has been turned in.

12. ACTION ITEMS – None presented

13. PUBLIC INPUT- None presented

Meeting was adjourned by Brad Marshall, President.

*** Next Park Board meeting is currently scheduled for January 18, 2022 at 6 p.m. in the City Hall Auditorium.**